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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,280	09/17/2003	Ciprian Agapi	BOC9-2003-0060 (434)	4539
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			LEWIS, ALICIA M	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,280	<b>Applicant(s)</b> AGAPI ET AL.
	<b>Examiner</b> Alicia M. Lewis	<b>Art Unit</b> 2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 31 October 2007.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

This office action is responsive to the Request for Continued Examination (RCE) filed October 31, 2007. Claims 1, 8 and 16-18 are currently amended; thus claims 1-18 remain pending in this application.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Amended claims 1, 8 and 16 recite the new limitation "searching among a plurality of files," and the applicant points to paragraph 43 (of the Patent Publication) for the description of this new limitation. However, paragraph 43 does not describe, in any way, a searching technique. It merely describes the process of distinguishing between a user-defined grammar file and built-in grammar file, and using that distinction to sort files. As such, the limitation, "searching among a plurality of files" is considered to be new matter.
3. Claims 2-7, 9-15, 17 and 18 are rejected as being dependent upon rejected base claims 1, 8 and 16.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 5, 7, 8, 10, 12, 14, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mock et al. (US Patent Application Publication 2004/0125142 A1) ('Mock').

With respect to claims 1, 8 and 16, Mock teaches:

receiving a request to visually display in a graphical user interface the grammar files in the presentation list (Figure 7, paragraphs 20 and 21);

searching among a plurality of files and distinguishing between those files that contain built-in grammar, each defining a built-in grammar file, and those files that contain user-defined grammars, each defining a user-defined grammar file (paragraphs 31-32);

sorting the grammar files based on a first criterion that assigns user-defined grammar files greater priority over built-in grammar files (elements 214, 216, 1102, 1104 and 1106 in Figure 11, paragraph 32);

sorting the grammar files according to a second criterion (Figures 11 and 12);

and

simultaneously displaying user-defined grammar files and the built-in grammar files within the presentation list such that each user-defined grammar file is visually distinguishable from each built-in grammar file by presenting elements of the built-in grammar files and elements of the user-defined grammar files as a sequential list of elements wherein elements of the user-defined grammar files are presented ahead of elements of the built-in grammar files (Figures 11 and 12, paragraphs 21-22 and 32-33),

wherein when a built-in grammar file and a user-defined grammar file share the same name designation, the user-defined file is presented above the built-in grammar file.

The reference user's/mother's events are considered user-defined files and the other users' (father, son, daughter) events are considered built-in files because they are incorporated into the mother's device. The first criterion is sorting based on user (i.e., mother, father, son and daughter). The files are sorted by having different backgrounds. The user-defined files (reference user's/mother's calendar events) are given greater priority by having the associated comments (214 and 216) shown with their messages (220 and 222). The second criterion is sorting by time.

The limitation of "presenting elements of the built-in grammar files and elements of the user-defined grammar files as a sequential list of elements wherein elements of the user-defined grammar files are presented ahead of elements of the built-in grammar files" represents nonfunctional descriptive material and holds no patentable weight. The

MPEP states that nonfunctional descriptive material "includes but is not limited to music, literary works, and a **compilation or mere arrangement of data**". It further states that USPTO personnel should determine whether the claimed nonfunctional descriptive material be given patentable weight. (See MPEP 2106.01 and *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983).

In the present application, the manner in which the files are presented in a list merely represents an arrangement of data, and does not change/impart any functionality of the system/computer. Therefore, the limitation holds no patentable weight because it only represents nonfunctional descriptive material.

The last limitation, "wherein when a built-in grammar file and a user-defined grammar file share the same name designation, the user-defined file is presented above the built-in grammar file" is optionally stated. The user-defined file is only presented above the built-in file when/if the files share the same name. Therefore, when the files have different names (as in the Mock reference), this limitation holds no patentable weight.

With respect to claims 3 and 10, Mock teaches wherein the step of visually displaying comprises presenting the presentation list such that each grammar file is labeled with a label indicating whether the grammar file is a user-defined grammar file or a built-in grammar file (Figures 11 and 12, paragraphs 32 and 33).

Mock teaches that the files are labeled by having unique backgrounds.

With respect to claims 5 and 12, Mock teaches wherein the user-defined grammar files and the built-in grammar files can share the same name (element 228 in Figures 2-5).

With respect to claims 7, 14 and 18, Mock teaches wherein the second criterion is a chronological order (Figures 11 and 12).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 6, 9, 11, 13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mock et al. (US Patent Application Publication 2004/0125142 A1) ('Mock') in view of Gusmorino et al. (US Patent Application Publication 2005/0251748 A1) ('Gusmorino').

With respect to claims 2 and 9, Mock teaches displaying the grammar files (Figure 11).

Mock does not teach wherein the method further comprises the step of displaying the grammar files when a user selects the grammar files.

Gusmorino teaches a system and method for viewing and editing multi-value properties (see abstract), in which he teaches wherein the method further comprises the step of displaying the grammar files when a user selects the grammar files (Figure 4, paragraph 63).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mock by the teaching of Gusmorino because displaying the grammar files when a user selects the grammar files would enable an improved way of handling the display of properties, and of managing multi-value properties, to simplify the user's experience in navigating and managing files on a computing system (Gusmorino, paragraph 7).

With respect to claims 4 and 11, Mock as modified teaches wherein the step of visually displaying comprises presenting the presentation list such that each grammar file is presented in a text format that indicated whether the grammar file is a user-defined grammar file or a built-in grammar file (Gusmorino, paragraph 123).

With respect to claims 6, 13 and 17, Mock as modified teaches wherein the second criterion is an alphabetical order (Gusmorino, paragraph 141).

With respect to claim 15, Mock as modified teaches wherein the presentation list is at least one among a drop-down list and a list box (Gusmorino, Figure 27, paragraphs 108 and 149).

***Response to Arguments***

8. Applicant's arguments filed October 31, 2007 have been fully considered but they are not persuasive.
9. Applicant argues that Mock does not teach searching among multiple files in order to make a distinction, and that every event is organized by a user, and thus Mock does not even contemplate searching among files to distinguish those supplied by users and those that are supplied by the system. Examiner disagrees. As mentioned above, the searching limitation represents new matter. Nonetheless, Mock teaches that the files are acquired and displayed in an organized way (paragraph 21). He further teaches that each file type is differentiated/distinguished based on a visual attribute (paragraph 31). Applicant has not provided a definition of the terms "built-in grammar file" or "user-defined grammar file" in the claims, thus the broadest reasonable interpretation is given. As described above, the mother's (reference user) events/files are considered user-defined and the other users' (father, daughter, son) events are considered built-in because they are incorporated, and thus in a sense, built into the mother's device. If applicant wishes the terms to be interpreted differently, he should make that clear in the claims.
10. Lastly, applicant argues that the MPEP (section 2106.01) has been misapplied because the applicant is not claiming an arrangement of data, but is instead claiming systems and methods for presenting data. Examiner disagrees. Examiner would first like to point out that anything appearing in a claim is being claimed. Therefore, applicant is in fact claiming a method of arranging grammar files, comprising the step of

simultaneously displaying both file types...by presenting the files as a sequential list wherein user-defined files are presented ahead of built-in files. Applicant is claiming a description of how the files should be simultaneously displayed. This description of the manner in which the files are presented in a list merely represents an arrangement of data, and does not change/impart any functionality of the system/computer. Therefore, the limitation holds no patentable weight because it only represents nonfunctional descriptive material. The examiner is not saying that the claim is non-statutory, but instead that the particular limitation holds no patentable weight because it only describes something that does not change/impart any functionality of the system/computer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis  
February 8, 2007

/Sam Rimell/  
Primary Examiner, Art Unit 2164